

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant:	Jacob McGUIRE	§	Confirmation No.:	9953
		§		
Serial No.:	09/843,815	§	Group Art Unit:	2154
		§		
Filed:	04/30/2001	§	Examiner:	Jinsong Hu
		§		
For:	Automated Deployment	§	Docket No.:	200704490-1
	And Management Of	§		
	Network Devices	§		

**APPEAL BRIEF**

**Mail Stop Appeal Brief – Patents**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Date: December 1, 2008

Sir:

Appellant hereby submits this Appeal Brief in connection with the above-identified application. A Notice of Appeal was electronically filed on October 1, 2008.

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**I. REAL PARTY IN INTEREST**

The real party in interest is Hewlett-Packard Development Company, L.P. (HPDC), a Texas Limited Partnership, having its principal place of business in Houston, Texas. HPDC is a wholly owned affiliate of Hewlett-Packard Company (HPC). The Assignment from the inventor to Loudcloud, Inc., was recorded on January 14, 2002, at Reel/Frame 012473/0297. A Change of Name document from Loudcloud, Inc. to Opsware, Inc., was recorded on February 26, 2007, at Reel/Frame 018964/0570. A Merger document from Opsware, Inc. to Hewlett-Packard Software, LLC, was recorded on May 3, 2008, at Reel/Frame 020897/0062. An Assignment from Hewlett-Packard Software, LLC to Hewlett Packard Company was recorded on May 6, 2008 at Reel/Frame 020897/0937. An Assignment from Hewlett Packard Company to Hewlett-Packard Development Company, L.P., was recorded on May 7, 2008 at Reel/Frame 020909/0707.

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**II. RELATED APPEALS AND INTERFERENCES**

Appellant is unaware of any related appeals or interferences.

**III. STATUS OF THE CLAIMS**

Originally filed claims:	1-15.
Claim cancellations:	None.
Added claims:	16-21.
Presently pending claims:	1-21.
Presently rejected claims:	1-4 and 8-21.
Presently objected claims:	5-7.
Presently appealed claims:	1-4 and 8-21.

The Examiner concluded claims 5-7 to contain allowable subject matter and thus are not presently being appealed.

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**IV. STATUS OF THE AMENDMENTS**

No claims were amended after the final Office action dated August 19, 2008.

## **V. SUMMARY OF THE CLAIMED SUBJECT MATTER**

In accordance with the invention of claim 1, a system<sup>1</sup> for automatically configuring a plurality of different types of network devices<sup>2</sup> comprises a library of generic commands<sup>3</sup> that can be applied to the devices and converters for converting each of the generic commands into device-specific commands to be applied to individual network devices.<sup>4</sup> The system also comprises a database that stores configuration parameters for the plurality of network devices and a configuration interface which receives the parameters from the database.<sup>5</sup> The configuration interface issues generic commands to the library to cause individual ones of the devices to be configured using the device-specific commands and in accordance with said parameters.<sup>6</sup> The configuration interface displays identifications of firewall devices associated with a network and conduits within the firewall devices, and permits a user to select at least one of the firewall devices.<sup>7</sup>

The invention of claim 8 includes the subject matter of claim 1. Further, the invention of claim 8 specifies that the interface includes means for commanding a console server<sup>8</sup> to send a message to each console<sup>9</sup> connected to the console server.<sup>10</sup> The interface also includes means for analyzing a response to the message provided by each console to determine the type of

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<sup>1</sup> Appellant's disclosure p. 11 line 26. Fig. 5.

<sup>2</sup> Appellant's disclosure p. 5 line 19; p. 6 lines 1-10. Fig. 1 firewall 16, load balancer 18, switch 20.

<sup>3</sup> Appellant's disclosure p. 10 line 24-25. Fig. 5 library 32

<sup>4</sup> Appellant's disclosure p. 10 lines 24-26.

<sup>5</sup> Appellant's disclosure p. 12 lines 3-6 and 12-14. Fig. 5 database 40 and configuration interface 42.

<sup>6</sup> Appellant's disclosure p. 10 line 27 through p. 12 line 24.

<sup>7</sup> Appellant's disclosure p. 16 lines 7-20.

<sup>8</sup> Appellant's disclosure p. 20 line 4.

<sup>9</sup> Appellant's disclosure p. 20 line 7.

<sup>10</sup> Appellant's disclosure p. 21 lines 5-6. The "means for commanding" comprises an executable tool called a console mapper which is part of the configuration interface 42 shown in Fig. 2 and described at least at p. 12 lines 12-14.

device which transmitted the response.<sup>11</sup> The interface further includes means for displaying a list of device types corresponding to the consoles connected to the console server.<sup>12</sup>

The invention of claim 16 is a method for automatically configuring a plurality of different types of network devices.<sup>13</sup> The method comprises various steps. For instance, the method comprises storing a library of generic commands<sup>14</sup> for configuring the devices and linking a plurality of converters respectively associated with different ones of the network devices to the library, to convert the generic commands into device-specific commands to be applied to the associated devices.<sup>15</sup> The method further comprises retrieving a set of parameters from a database that pertains to the configuration of one type of network device.<sup>16</sup> In response to receipt of the set of parameters, the method further comprises issuing generic commands to the library to cause a device of the one type to be configured in accordance with the parameters.<sup>17</sup> The method also comprises displaying a plurality of firewall devices and a conduit for each such firewall device.<sup>18</sup>

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<sup>11</sup> Appellant's disclosure p. 21 lines 6-10. The "means for analyzing" comprises an executable tool called a console mapper which is part of the configuration interface 42 shown in Fig. 2 and described at least at p. 12 lines 12-14.

<sup>12</sup> Appellant's disclosure p. 21 line 12. The "means for displaying" comprises an executable tool called a console mapper which is part of the configuration interface 42 shown in Fig. 2 and described at least at p. 12 lines 12-14.

<sup>13</sup> Appellant's disclosure p. 5 line 19; p. 6 lines 1-10. Fig. 1 firewall 16, load balancer 18, switch 20.

<sup>14</sup> Appellant's disclosure p. 10 line 24-25. Fig. 5 library 32

<sup>15</sup> Appellant's disclosure p. 10 lines 24-26.

<sup>16</sup> Appellant's disclosure p. 12 lines 3-6. Fig. 5 database 40.

<sup>17</sup> Appellant's disclosure p. 10 line 27 through p. 12 line 24.

<sup>18</sup> Appellant's disclosure p. 16 lines 7-20. Fig. 1 firewall 16.

**VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

Whether claim 8 is directed to non-statutory subject matter (35 U.S.C. § 101).

Whether claims 1-4, 9, 11, 12, 14, 16, 17, 20 and 21 are anticipated (35 U.S.C. § 102(b)) by Malik (U.S. Pat. No. 5,832,503).

Whether claim 8 is obvious (35 U.S.C. § 103) over Malik in view of Merchant (U.S. Pub. No. 2002/0128815).

Whether claims 10, 13, 15, 18 and 19 are obvious (35 U.S.C. § 103) over Malik in view of "Official Notice."

## **VII. ARGUMENT**

### **A. Section 101 rejection of claim 8**

Claim 8 depends from claim 1. Claim 1 is directed to a system that includes various limitations. The Examiner did not reject claim 1 under § 101, and thus concluded that claim 1 is directed to statutory subject matter. If claim 1 is directed to statutory subject matter and claim 8 repeats all of the limitations of claim 1, then surely claim 8 is also directed to statutory subject matter.

The limitations added by way of claim 8 are written in a “means plus function” format. Under 35 U.S.C. § 112, sixth paragraph, a limitation written in such a format is limited to the structure disclosed in the specification, and equivalents, that perform the claimed function. The Examiner noted that that the claimed “interface” could be implemented in software. While that may be true, software is only operative if executed by a processor/computer. Thus, the structure supporting the means plus function limitations of claim 8 is not software alone. Moreover, even if the supporting structure was only software, the combination of the limitations of claims 1 and 8 makes claim 8 to be in full compliance with § 101 as explained above.

Appellant also notes that the Final Office Action states, with regard to this ground of rejection, that “the specification does not specifically point out the interface referring to hardware communication interface.” Final Office Action p. 2. Appellant does not understand the Examiner’s point. The “interface” in claim 8 refers to the “configuration interface” of claim 1. Appellant is concerned that the Examiner has misread claim 8.

### **B. Anticipation rejection of claims 1-4, 9, 11, 12, 14, 16, 17, 20 and 21**

Independent claim 1 requires that the configuration interface displays “identifications of firewall devices associated with a network and conduits within said firewall devices, and permits a user to select at least one of said firewall devices.” The Examiner contends that Malik col. 6 line 33 through col. 7 line 46 teaches this limitation. However, Appellant finds no teaching or even a suggestion in that passage of Malik, or elsewhere in Malik, of a firewall device,

much less a configuration interface that displays identifications of firewall devices and conduits within such firewall devices. For at least this reason, Appellant submits that the Examiner erred in rejecting claims 1-4, 9, 11, 12, and 14 over Malik.

Independent claim 16 requires “displaying a plurality of firewall devices and a conduit for each such firewall device.” For much the same reason articulated above, Appellant respectfully submits that the Examiner erred in rejecting claims 16, 17, 20, and 21 over Malik.

**C. Obviousness rejection of claim 8**

Claim 8 depends from claim 1 and thus inherits the limitations of claim 1. Claim 1 is allowable over Malik as explained above. Merchant does not satisfy the deficiency of Malik. Accordingly, the Examiner erred in rejecting claim 8 for much the same reason as provided above.

**D. Obviousness rejection of claims 10, 13, 15, 18 and 19**

Claims 10, 13, 15, 18, and 19 depend from allowable base claims 1 and 16 and thus inherit the limitations of such base claims. Claims 1 and 16 are allowable over Malik as explained above. The Official Notice taken by the Examiner does not address the limitations found missing from Malik as explained above. Accordingly, the Examiner erred in rejecting claims 10, 13, 15, 18, and 19 for much the same reason as provided above.

**E. Conclusion**

For the reasons stated above, Appellant respectfully submits that the Examiner erred in rejecting all pending claims. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees

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required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

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**VIII. CLAIMS APPENDIX**

1. (Previously presented) A system for automatically configuring a plurality of different types of network devices, comprising

a library of generic commands that can be applied to said devices and converters for converting each of said generic commands into device-specific commands to be applied to individual network devices;

a database storing configuration parameters for said plurality of network devices; and

a configuration interface which receives said parameters from said database and issues generic commands to said library to cause individual ones of said devices to be configured using said device-specific commands and in accordance with said parameters;

wherein said configuration interface displays identifications of firewall devices associated with a network and conduits within said firewall devices, and permits a user to select at least one of said firewall devices.

2. (Original) The system of claim 1 wherein said interface issues commands to said library to obtain configuration information from individual devices, and stores said information in said database.

3. (Original) The system of claim 1 wherein said configuration parameters are stored in said database as a model containing a list of values to which each configuration parameter in an individual one of said devices is to be set.

4. (Original) The system of claim 3 wherein said model also identifies the specific sequence in which the setting of the parameter values is to take place.

5. (Previously presented) The system of claim 1 wherein said interface communicates with said database to obtain the identifications of the firewall devices and generates a first display which lists said devices, and further includes means responsive to the selection of one of the devices in said list to

generate a second display which lists the conduits, wherein each conduit is identified by means of descriptive names stored in said database for local and external devices and/or networks that are logically connected by the conduit.

6. (Original) The tool of claim 5, further including means responsive to the selection of one of the devices listed in said first display to generate a third display which lists internal networks owned by an entity associated with the selected device, and means to selectively open and close conduits respectively corresponding to said internal networks.

7. (Original) The tool of claim 6 wherein said third display further includes means for adding a new conduit to one of the internal networks.

8. (Original) The system of claim 1 wherein said interface includes:  
means for commanding a console server to send a message to each console connected to said console server;  
means for analyzing a response to said message provided by each console to determine the type of device which transmitted said response; and  
means for displaying a list of device types corresponding to the consoles connected to said console server.

9. (Original) The system of claim 1 further including a memory storing a template which contains a sequence of commands for configuring each of a plurality of devices of a given type, wherein each command that refers to a particular device contains a variable as the identification of the device; and wherein:

said database stores a record which indicates the respective network address of each specific device for which a given device is to be configured, and

said interface is responsive to a command to configure a given device for retrieving said template and the stored record associated with said given device, substituting the network addresses in the retrieved record for the variables in

said template, and issuing commands to configure the given device in accordance with said retrieved record and said template.

10. (Original) The system of claim 9 wherein said network addresses comprise Internet Protocol (IP) addresses.

11. (Original) The system of claim 9 wherein a plurality of templates are stored in said memory, each corresponding to a different respective type of device.

12. (Original) The system of claim 11 wherein said templates are stored in said database.

13. (Original) The system of claim 3 wherein each parameter setting in said model is used to construct a separate command, and said commands are stored in a queue to be individually retrieved and forwarded to said library by said interface.

14. (Original) The system of claim 1 wherein said converters transmit each of said commands in accordance with a transmission protocol specific to the individual devices, respectively.

15. (Original) The system of claim 14 wherein one of said transmission protocols comprises Telnet.

16. (Previously presented) A method for automatically configuring a plurality of different types of network devices, comprising the following steps:

storing a library of generic commands for configuring said devices;

linking a plurality of converters respectively associated with different ones of said network devices to said library, to convert said generic commands into device-specific commands to be applied to the associated devices;

retrieving a set of parameters from a database that pertains to the configuration of one type of network device;

in response to receipt of said set of parameters, issuing generic commands to said library to cause a device of said one type to be configured in accordance with said parameters; and

displaying a plurality of firewall devices and a conduit for each such firewall device.

17. (Previously presented) The method of claim 16, wherein said converters comprise respective plug-in modules that are registered with the library to receive generic commands directed to the devices with which they are associated.

18. (Previously presented) The method of claim 16, wherein the step of issuing generic commands comprises the steps of:

generating a corresponding generic command for each parameter in the retrieved set of commands;

storing the generated commands in a queue;

presenting a first command in the queue to said library, to be converted and transmitted to the device as a device-specific command; and

in response to a reply to the transmitted command, presenting the next command in the queue to the library.

19. (Previously presented) The method of claim 18, wherein the reply to one of the transmitted commands contains information describing the configuration of the device, and further including the step of storing said information in the database.

20. (Previously presented) The method of claim 16, wherein said set of parameters defines a model containing values to which configuration parameters of the device are to be set.

21. (Previously presented) The method of claim 20, wherein said model identifies a specific sequence in which the setting of the parameter values is to occur.

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**IX. EVIDENCE APPENDIX**

None.

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**X. RELATED PROCEEDINGS APPENDIX**

None.